

# North Pacific Fishery Management Council

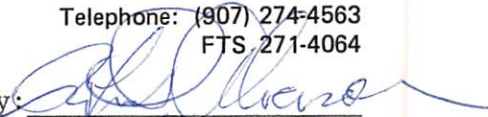
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Date: 9-28/83

## ADVISORY PANEL MINUTES Homer, Alaska July 26-27, 1983

The Advisory Panel met on Tuesday, July 26, 1983, at 9:30 a.m. to 6:00 p.m. and again on Wednesday, July 27, 1983, at 8:45 to 10:30 a.m. in the Elks Hall in Homer, Alaska. The following members were present: Greg Baker, Bud Boddy, Al Burch, Larry Cotter, Barry Fisher, Joe Kurtz, Rick Lauber, James O'Connell, Jack Phillips, Don Rawlinson, Walt Smith, Tony Vaska, Ed Wojeck and Chairman Robert Alverson.

### A. CALL TO ORDER AND APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETING

The meeting was called to order by Chairman Robert Alverson. The agenda was approved by all members. There were no comments on the minutes of the May 24-25, 1983 meeting.

### B. SPECIAL REPORTS

B-1 Executive Director's Report. The AP moved that the Council adopt the Pacific Council's proposal to put an Oregon or Washington troller in our advisory panel system such that he would be invited to participate in salmon discussions of the Advisory Panel. It was also recommended that the cost of the respective Council's advisors be paid by the Council sending its representative.

B-6 Report on 1983 Halibut Fishery by IPHC Staff. The report of landings and vessel activity for the fishery to date was given by Dr. Deriso of the Halibut Commission.

### C. NEW OR CONTINUING BUSINESS

C-1 Halibut Fisheries Management. After considerable debate the following actions were suggested to the Council.

- (a) In view of inadequate and conflicting responses from OMB and NOAA for the specific reasons of why the moratorium was denied, the AP found it difficult to suggest a definitive course of action. The AP requests that the Council continue its pursuit of a clear definition and justification for OMB's refusal.

The Advisory Panel recognizes a problem in the halibut fishery and suggests the limited entry workgroup be convened to try and come to some conclusion.

It is recommended that the Council add appropriate people from other geographic regions of Alaska to participate in the limited entry workgroup, such as from the Seward/Homer, Kodiak and the Shumagin Island areas.

- (b) The AP feels that it is time for the Secretary of Commerce to define specifically the role of OMB in the regulatory process. The ground-rules for OMB involvement need to be spelled out in specific detail with the same requirements that the Council has for providing adequate justification for their actions.
- (c) The AP recommended on a vote of 13 to 1 with one in opposition that the Council advise IPHC to open area 4C in order to help the Pribilof and Nelson Island people continue developing their fishery.

C-2 Marine Sanctuaries Legislation. A motion was passed unanimously recommending that the Pritchard Amendment specify sports, commercial and subsistence fisheries as being compatible and for access to marine sanctuaries.

C-3 Statement of Operating Practices and Procedures (SOPPs). Dennis Petersen, President of the North Pacific Fishing Vessel Owners Association, requested that the Council reevaluate its procedures during Board of Fisheries/Council meetings, specifically with respect to crab management decisions. He felt that a Council member and staff should be present during the Board's deliberations so they are aware of potential problems when the state and the federal government may set conflicting regulations.

C-4 Other Business

- (a) Taiwanese Permit Applications. The AP recommends denial of both the Koryo Maru No. 23 and Highly No. 301 permits for the following reasons:
  - (1) Past flagrant violations.
  - (2) The applications were not filled out correctly, individualizing the species they are requesting.
  - (3) Lack of owner participation indicating why there were the continuing problems.

Barry Fisher and Larry Cotter volunteered to look into the problem of requiring more specific information on permit applications.

- (b) Conflict of Interest. Pat Travers gave a brief presentation of the legal action taken against various members of the AP and Council. The AP members believe this should be a primary issue at the Chairmans Meeting.

The question of whether AP members can have potential conflict of interests or not needs to be reviewed. It was made quite clear that in the event an AP member were sued for a conflict of interest, he may well have to supply his own legal counsel. The Council may well

have to look into its responsibilities to those it asked to serve on the AP and advise them accordingly of potential legal defenses they may be liable for.

D. FISHERY MANAGEMENT PLANS

D-1 Salmon FMP. The AP requests the Council to direct the Regional Director of NMFS to authorize a multi-species troll fishery (excluding chinook) in areas where continued fishing would result in minimal additional mortality of chinook salmon.

D-4 Tanner Crab FMP

(a) A motion to approve Amendment #9 for Secretarial review was approved unanimously.

(b) The AP unanimously approved a motion to send Amendment #10 out for public review.

D-5 Gulf of Alaska Groundfish FMP. The AP voted 10 to 3 with 1 abstention to reaffirm its action at the May meeting not to increase the pollock OY to 240,000 mt.

The AP points out the growth of U.S. fishermen's harvest of sablefish in the Eastern and Western Yakutat areas may require a message from the Council to the foreign governments involved that there may be no TALFF for sablefish in the near future.

Minority Report. The report presented by Dr. Gary Stauffer of NWAFC indicated that the pollock biomass in the Central and Western areas is much larger than previously thought. New information presented by Dr. Stauffer from the 1983 NMFS hydroacoustic survey indicates that the biomass of the Shelikof Strait pollock concentration was between 2.5 and 2.7 million metric tons this year. Applying the .16 exploitation rate used in the FMP to this biomass estimate produces a 1983 ABC of 400,000 mt or more. Clearly, the requested increase to 240,000 mt is well below the harvest level which the best available scientific information would support.

We believe that the halibut incidental catch problem should be addressed by regulatory measures aimed directly at controlling incidental catch, rather than by artificially suppressing groundfish harvest levels.

D-6 Bering Sea/Aleutian Islands Groundfish FMP

(a) Amendment #6. The AP moved to reapprove the Council's action in establishing the Fishery Development Zone based on the additional data collected. This vote was unanimous.

(b) Amendment #9. The AP requests that the PMT redraft the considerations that the Regional Director can close portions of the Bering Sea. The AP's comment on this is that the listed considerations were too vague and closures could become political in nature rather than the time conditions of the resource complex.

- (c) Amendment #1. The AP requests that the legal staff look at the action adopted by the Secretary of Commerce and see if significant changes were made. If significant changes were made the original intent of the Council should be reintroduced to the amendment.
- (d) Dr. Loh-lee Low gave an indepth report of the EY and MSY options in the Resource Assessment Document.